White House Embargoes 1,100 Crates and Boxes

Transfer of Gifts to Nixons Held Up

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First of two articles

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The Ford administration has embargoed shipment to San Clemente of 1,100 packing crates and boxes of foreign and domestic gifts presented to President Richard M. Nixon and his family while they were in the White House.

The crates and boxes — reflecting only a partial inventory of some 20,000 gifts to the Nixons during his presidency — are stored here in Washington by the General Services Administration.

The GSA, anticipating a shipping request from Mr. Nixon, was readying them for transfer to the West Coast two weeks ago when the White House intervened.

Nearly 200 of the containers hold gifts presented to Mr. Nixon and his wife and daughters during the past six years by world leaders and foreign dignitaries of lesser rank. Foreign gifts to public officials worth more than $50 are defined by law as government property.

The number of Nixon foreign gifts in GSA storage totals about 1,000, with a valuation "that could run more than $2 million" according to sources who have seen the inventory.

Many of these gifts are books, scrolls, native costumes and handicrafts of nominal value. But there are also jewels, objects of gold and silver, paintings, rare porcelains, antique furniture, sculpture and antiquities.

Under the Foreign Gifts and Decorations Act of 1966, gifts of this kind must be turned over to the State Department's Chief of Protocol for disposition as public property. Under a recent ruling handed down by the State Department's legal advisers be-

See GIFTS, A6, Col. 5

GIFTS, From A1

fore Mr. Nixon left office, recipients were put on notice that it was the intent of Congress that such gifts be turned over "as quickly as possible" after they are received.

None of the Nixons' foreign gifts was turned over to the Chief of Protocol while Mr. Nixon was in office. His attorneys have argued he may be exempt from the 1966 Gifts Act though the issue has never been tested in court.

Last week, however, President Ford's legal counsel, Philip Buchen, told General Services Administration chief Arthur F. Sampson not to ship any foreign gifts — or accompanying inventory records — to the Nixons.

"Nothing is moving," said Buchen. "The GSA recognizes that foreign gifts are the property of the United States. They will not move unless authorized by the State Department . . . they will stay in the public domain."

Buchen said he has also taken steps to secure records maintained by a special White House Gifts Unit, which are supposed to reflect all foreign and domestic gifts given to the Nixons during the almost six years he was President.

These are "under lock and key," Buchen said, until he can obtain a ruling from Attorney General William Saxbe on whether these files are considered a part of Nixon's confidential "private papers" or government files open to public scrutiny. A decision is expected soon.

Packing cases of gifts have been sent periodically by the Nixons to GSA for "courtesy" storage since 1969. At least five of the crates and boxes are known to include 200 gifts of jewelry among their contents. Some are sets; some are individual pieces and their value may range greatly.

Only a few gifts of jewelry have been previously disclosed. Others, including an emerald-and-diamond brooch from Soviet party boss Leonid Brezhnev in one GSA packing box, have never been made public. The GSA has repeatedly refused to say what else the packing crates contain.

However, it is known they do contain four gifts of jewelry from the oil-rich Saudi Arabian royal family, made public in a Washington Post story in May. These are a $52,400 set of emerald-and-diamond jewelry given to Mrs. Nixon by Prince Fahd in 1969; a pair of ruby-and-diamond earrings given to her by King Faisal in 1971; a diamond bracelet given to her by Prince Sultan in 1972, along with a diamond-and-ruby pin given to her daughter Julie at the same time.

Senate Watergate Committee investigators, before their mandate ran out on June 30, were tracing an estimated $580,000 worth of jewelry which was appraised for insurance purposes at the White House between early 1970 and early 1974. Their files are now in the hands of Special Prosecutor Leon Jaworski.

How much of that $580,000 worth of jewels represents the generosity of foreign dignitaries and how much of it came from other sources was never determined by the Senate Watergate investigators.

It is also unclear how much, if any, of that $580,000 worth of jewels is in storage with the GSA.

The Nixons themselves have declined to make a public accounting of their foreign gifts.

The White House, while Mr. Nixon was in office, denied access to Gifts Unit records on grounds that public disclosure might embarrass foreign donors and possibly damage diplomatic relations.

However, former White House counsel J. Fred Buzhardt said last May that

the family has "never for a minute" considered jewels and other valuables given to them by foreign heads of state to be their own property and have always intended to "turn them over when the President leaves office."

Buzhardt estimated at the time that the Nixons had received some 20,000 gifts — foreign and domestic — since Mr. Nixon took office. Of those, he said, 10 per cent (or roughly 2,000) were probably foreign—that is about twice the number now in GSA hands.

The 18,000 or so gifts the Nixons received from American during Mr. Nixon's presidency were for the most part items of little monetary value, such as crocheted pot holders and hand painted dog food dishes for King Timahoe.

These are theirs to keep, give away or sell or put on exhibit in a presidential library, if and when one is built. Most tax experts agree they probably can claim a tax deduction for any memorabilia of this kind donated to a museum.

Under the Code of Federal Regulations, the Nixons, like other government officials and their families, are expected to have returned to the senders any domestic gifts of more than nominal value.

Records of the Nixons' foreign and domestic gifts, and the gifts themselves, are scattered.

The GSA gift records reflect only what is in that agency's custody. The inventory of all 1,100 crates and boxes — which range in size from cardboard cartons to large wooden shipping bins — fills 15 binders, each four inches thick. Fourteen make up an inventory of domestic gifts. Foreign gifts are in one binder labeled: "Gifts From Foreign Heads of State."

The GSA list would not reflect any foreign gifts which the Nixons shipped to San Clemente and possibly to Key Biscayne over the past six years. It also would not include any gifts that may have been loaned by the Nixons to their children, might have been taken to California by the Nixons by plane on the day he resigned, or possibly weve packed last month by Julie Nixon Eisenhower with her parents' personal belongings from the White House family quarters.

According to a story and pictures of the Nixons' San Clemente estate which ran in the 1970 winter issue of Architectural Digest, "gifts from heads of state" are scattered "throughout the house." Several are pictured, including "an elegant gold filigree box that was a personal gift to President and Mrs. Nixon from Emperor Haile Selassie," who visited the White House in both 1969 and 1970.

The records maintained in a special Gifts Unit set up at the White House during the Nixon administration — if complete — offer Uncle Sam the best hope of ever figuring out exactly what the Nixons received from foreign and domestic sources and how much they are worth.

Diamond-and-ruby brooch given Julie Nixon Eisenhower by Saudi Prince Sultan in 1972 is among gifts being stored by GSA.

If White House Gifts Unit records of these gifts should be permanently sealed as part of Nixon's papers, under the controversial agreement he signed with the GSA on Sept. 6, there would be no way that the public or anyone in the federal government could ever determine the nature, donor or value of all gifts received by the Nixons.

The Ford administration at first took the position that the Gifts Unit records should be treated no differently from Mr. Nixon's other White House files, which the Attorney General ruled earlier this month must be considered his personal papers by historic precedent.

Later, however, Mr. Ford's legal advisers reconsidered.

The Gifts Unit records were almost shipped to San Clemente the week after President Ford took office.

The files were removed from the Gifts Unit office in cardboard boxes by Mr. Nixon's personal secretary, Rose Mary Woods, and Buzhardt. They were about to be dispatched to California along with the Nixons' personal effects from the mansion when a reported asked the-then press secretary, Jerry terHorst, to intervene.

TerHorst had the cardboard boxes impounded and asked Buchen to determine their legal status as the government's only record of public property.

The foreign gifts and records are in legal limbo because the Nixons have not chosen to comply voluntarily with the Foreign Gifts and Decorations Act of 1966.

The law carries no sanctions for those who do not wish to comply, although it is a violation of the U.S. Criminal Code to convert or assist anyone in converting government property to personal use.

Until Buchen's intervention, the GSA's legal counsel had taken the position that all Nixon gifts stored with GSA, foreign as well as domestic, must be treated as the private property of the former President and his family which must be shipped to them on request unless they voluntarily turned them in to the Chief of Protocol as public property.

Although Buchen has persuaded the GSA that it must treat the Nixons' foreign gifts as public property, the agency has not changed its stand on confidentiality of the binder which identifies the specific gifts in its custody.

This list, the GSA wrote in a letter to The Washington Post on Sept. 11, "is a carbon copy of the original (storage instructions and inventory) prepared by the White House Gifts Unit at Mr. Nixon's behest."

Therefore, the letter continued, the GSA will continue to treat the list as "the personal property of the former President."

The GSA has resisted pressure, not only from the press, but from Congress, to open the list for public scrutiny.

At least two members of Congress, Rep. John Moss (D-Calif.) and Rep. Jack Brooks (D-Tex.), have been denied an opportunity to examine the binder by GSA. Both Moss and Brooks are members of the House Government Operations Committee which has jurisdiction over the General Services Administration.

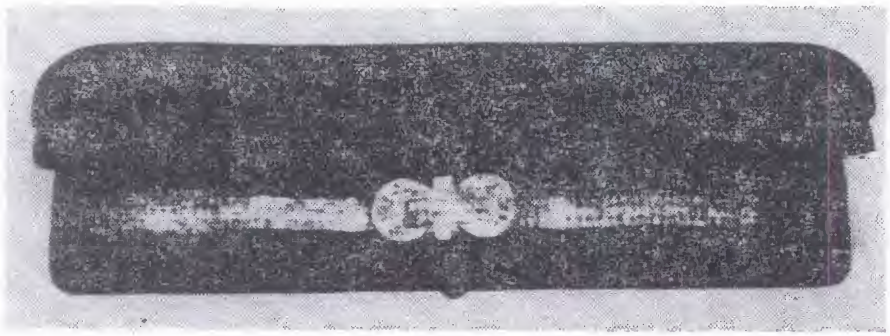
Seeking to report to the Senate Foreign Relations Committee on the way the 1966 Foreign Gifts and Decorations law is being administered, investigators for the General Accounting Office (GAO) — the Congress' fiscal watchdog — did succeed in obtaining a copy of GSA's inventory of foreign gifts.

GAO declined to turn over this copy to Brooks' staffers for anything more than a "20-minute scanning" and refused to let Moss' office see it at all. GAO has taken the position that it should not be a "conduit" of information that GSA declines to furnish Congress on its own.

GAO itself, however, has been rebuffed by both the Nixon administration and the Ford administration in efforts to gain access to the more comprehensive White House Gifts Unit records kept during the former President's tenure.

GAO investigators were permitted recently to see the records of everything President Ford has received from foreign donors during his political career.

But they have been unable, after five months of phone calls and letter-writing, to get a look at the White House Gifts Unit records although the



Diamond bracelet given to Mrs. Nixon by Prince Sultan of Saudi Arabia in 1972.

State Department made public all its records of foreign gifts to other government officials in June.

The GAO has not given up. But its investigators told the Senate Foreign Relations Committee staff last week in a preliminary oral report that they are not optimistic about getting to see the Nixon Gift Unit files.

The Ford administration, in the meantime, is taking steps to make sure that its own record-keeping system for handling gifts satisfies Congress. Protocol Chief Henry Catto Jr. said last week that discussions are under way to work out a new method of keeping track of the First Family's foreign gifts that is "mutually agreeable to everyone — to the White House, the State Department and Congress."

A system under which the State Department will maintain records (duplicate or original) of all foreign gifts received by the First Family is under consideration.

Article I, Section 9 of the U.S. Constitution says, "No person holding any office of profit or trust under them [the United States] shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign state."

Congress, through legislation originally passed in 1881, has held such gifts illegal. Statutory revisions, passed in 1966 as the Foreign Gifts and Decorations Act, also forbid anyone who is a member of an official's "family and household" to take gifts worth more than $50.

This June, State Department lawyers interpreted the 8-year-old act to exempt "an adult son or daughter living in his or her own household."

It remains to be seen if it is the intent of Congress that both Nixon daughters can keep foreign jewels and other valuables — except for wedding presents which have been traditionally exempted by Congress — given to them when they were residing outside the White House.

If it is determined that they may, they still would be ineligible to keep items given during the frequent periods since 1969 when they have made their homes at 1600 Pennsylvania Ave.

But access to the White House Gifts Unit files would be necessary for Congress to determine what gifts were received, when they were received and which — if any — the Nixon daughters might be able to keep.

Congress permits officials and their families to accept foreign gifts only when it appears that the refusal to do so would cause embarrassment to other governments and strain diplomatic relations.

Mr. Nixon, declared by his press secretary, Ron Ziegler, to be the "most-traveled President in history," visited some 30 countries, many of them two and three times. More than 80 heads of state came here during his presidency, many more than once. By international protocol, heads of state seldom arrive or depart empty-handed.

When foreign gifts are accepted by U.S. officials and their families, the 1966 law states, they are "deemed to be the property of the United States government" and "shall be deposited (with the State Department's Chief of Protocol) by the donee for use and disposal as the property of the United States in accordance with the rules and regulations pursuant to this act."

It is these rules and regulations which charge the Chief of Protocol with keeping records of all foreign gifts to either civilian or military personnel in all three branches of government.

It is up to the Chief of Protocol to designate whether foreign gifts will be sent to temporary storage, be returned to the recipient for "official use" until he leaves office, be placed in government buildings or another "public repository" such as a museum, or sold at auction.

According to GSA director of information Richard Q. Vawter, all the Nixon gifts are being stored at the National Archives. He stressed, however, that this does not mean the foreign gifts have been turned in to the Chief of Protocol and designated for storage or placed in a "public repository" (the Archives). They are merely "being held there for Mr. Nixon in free courtesy storage — just as if it was a Security Van, Mayflower or any other commercial warehouse storage facility."

Early in 1969, during Mr. Nixon's first months in office, his legal advisers took the position that as President, he and his family were "probably exempt from the (1966) law," although they acknowledged that position has never been challenged in court.

To ensure, however, that the Nixons would be in compliance with the law "if any question were ever raised in either the courts or the Congress," a decision was made to maintain records of all gifts — foreign and domestic — at the White House in an existing Gifts Unit office which was expanded.

The previous practice of keeping duplicate foreign gift records for the First Family at the State Department was abandoned and the Chief of Protocol, Buzhardt said, was given "access" to the White House files "if he needed it."

So far as can be determined, none of the three Chiefs of Protocol who served under Mr. Nixon ever exercised that "access."

MONDAY: *Jaworski and the $580,000 jewel appraisals.*

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